

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WINSTON KEMPER,

Petitioner,

vs.

SUPERIOR COURT OF ALAMEDA
COUNTY, et al.,

Respondents.

No. C 08-1878 JSW (PR)

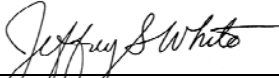
ORDER OF DISMISSAL

Petitioner, a California prisoner, filed this pro se petition for a writ of error coram nobis. A federal court may not entertain a petition for a writ of error coram nobis with respect to challenges to state convictions. *See Sinclair v. Louisiana*, 679 F.2d 513, 513-15 (5th Cir. 1982); *see also Madigan v. Wells*, 224 F.2d 577, 578 n.2 (9th Cir. 1955) (writ of error coram nobis can only issue to aid jurisdiction of court in which conviction was had). Accordingly, the instant action is hereby DISMISSED.¹

The clerk shall close the file and enter judgment.

IT IS SO ORDERED.

DATED: May 13, 2008


JEFFREY S. WHITE
United States District Judge

¹Petitioner may challenge his state conviction in federal court by filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WINSTON KEMPER,
Plaintiff,

Case Number: CV08-01878 JSW

CERTIFICATE OF SERVICE

v.


ALAMEDA SUPERIOR COURT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 13, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Winston Kemper
B64476
P.O. Box 8500
Coalinga, CA 93210

Dated: May 13, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk